THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.6210 of 2006

Dt.28.3.2006

Between:

Abhudaya Harijana Parishudya Panivarala
Sangam, Guntur and others … Petitioners

And

Narasaraopet Municipality, rep. By its
Commissioner, Narasaraopet,
Guntur District and another
…Respondents

ORDER:

Petitioners are various societies registered under the provisions of A.P.Societies Registration Act (Act 35 of 2001) belonging to SC and ST communities having experience in sanitation work such as Badili workers in Guntur area. It is the case of the petitioners that the Government issued orders in G.O.Ms.No.581 M.A., dt.6.11.1996 to entrust the sanitation work where there is a need in Municipalities/ Municipal Corporations to the societies formed with the retired public Health Workers or their dependents and Badili workers subject to

fulfillment of certain conditions. It is stated that such societies are entitled to participate in the tenders called by the Municipalities/ Municipal Corporations and willing to take up the work at the lowest tender rates. It is stated that the Narasaraopet Municipality of Guntur District, which is separate and distinct from the Guntur Municipal Corporation, issued tender notification in Roc.No.531/2006/F1 dt.21.3.2006 calling for sealed tenders from the societies registered under the said G.O.Ms.No.581, dt.6.11.1996 for the lease period from April, 2006 to March, 2007 to be submitted before 4.00 p.m., on 7.4.2006. The retired Public Health workers of Narasaraopet Municipality, their children and S.C and S.T persons having experience in sanitation works and badli workers should participate in the tenders. The petitioners question the said conditions in the tender notification as illegal, arbitrary and contrary to G.O.Ms.No.581, dt.6.11.1996.

Heard the learned counsel for the petitioners and the learned Standing Counsel on behalf of the respondents.

A careful reading of the preamble part of the said G.O.Ms.No.581 goes to show that the Andhra Pradesh Municipal and Panchayat Workers Federation, Guntur and the Andhra Pradesh Municipal Employees Federation (CITU) have demanded to issue orders for appointment of Badili Workers in place of leave vacancies, promotions death or retire employees to maintain sanitation and also to delete the condition for appointment only in respect of death harness retirement on medical invalidation vacancies and the said representation has been considered and decided that it is not possible to appoint the Badili workers in the above vacancies because of the general policy of Government. But keeping in view the need for improvement of efficiency in sanitation, decided to entrust the sanitation work where there is a need in Municipalities/Municipal Corporations to the societies formed with the retired public Health Workers of their dependents and Badili Workers with certain modalities.

I am of the opinion that pursuant to the said orders of the Government retired Public Health Workers or their dependents and Badili Workers of each and every Municipality/Municipal Corporation have formed societies as they were having experience of sanitation work such as Badili workers in respective Municipality/ Municipal Corporation. Therefore, it cannot be said that the society registered in the Municipal Corporation is entitled to the benefit of 15% of the tender works in other municipalities as per G.O.Ms.No.30, dt.18.6.2000. Previously, there was a requirement under Rule 3(2) of the A.P.Municipalities Tender Rules, 1967 for entrustment of 15% of works for the Labour Contract/Co-operative Societies formed by the SC and ST communities. But the said rules have been omitted by the orders of the Government in G.O.Ms.No.29 dated 17.1.1985. Therefore, as there is no rule, the Government issued orders in G.O.Ms.No.30, dt.18.6.2000 for entrustment of 15% of sanitation works to the registered societies in respect of the municipalities. I am of the opinion that as per the said G.O., petitioners are not entitled for participation of the tenders and to get such benefit in respect of Narasaraopet Municipality as the members of the petitioners' society belong to Guntur Municipal Corporation. The petitioners are entitled for the benefit of the said Government orders in respect of Guntur Municipal Corporation alone, but not in respect of Narasaraopet Municipality. Therefore, I do not see any illegality or irregularity in issuing the said tender notification dated 21.3.2006 by the Narasaraopet Municipality.

For the aforesaid reasons, the writ petition is dismissed. No order as to costs.

V.ESWARAIAH, J.

28.3.2006

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